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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,098	08/30/2000	Eriko Koda	500.38975X00	1886

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EXAMINER

HARRISON, CHANTÉ E

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 12/11/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/651,098

Applicant(s)

KODA, ERIKO

Examiner

Chante Harrison

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Supplemental Amendment C, filed on 10/9/03. ***This action is made FINAL.***

2. Claims 17-48 are pending in the case. Claims 17, 21, 26-27, 31 and 36 are independent claims and have been amended. Claims 1-16 have been canceled. Claims 37-48 are newly added.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 9/16/03 was filed after the mailing date of the non-final office action on 6/18/03. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 17-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenichi Minami, U.S. Patent 6,215,505 B1, 4/2001.

As per independent claims 17, 26, 27 and 36, Minami discloses when replay of said moving picture is stopped at an arbitrary replay position of said moving picture on said display (col. 9, ll. 63-67; col. 11, ll. 60-67), identifying an image inputted by said input device and position data of said input image and displaying on said display said input image in superposition with the stopped moving picture (col. 5, ll. 25-40); storing information of said replay position of said moving picture (col. 12, ll. 7-19, 29-37); when said moving picture is replayed from said arbitrary replay position, drawing a locus of motion of said image by said input device to determine position data of said locus of motion of the image with time (col. 7, ll. 3-96, 19-23, 36-44; Fig. 8-9; col. 8, ll. 54-65) and storing said determined position data and time data representing when said position data is determined (col. 5, ll. 41-49); and while replaying said moving picture starting

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from said stored replay position, displaying on said display said image in accordance with said stored position data of the locus of motion and said stored time data (col. 5, ll. 25-40; col. 7, ll. 52-60; Fig. 5).

As per dependent claims 18, 23, 28 and 33, Minami discloses adding or deleting said stored position data and said time data representing when said position data is determined in accordance with a designation by said input device (col. 6-7, ll. 54-19).

As per dependent claims 19, 24, 29 and 34, Minami discloses replaying said moving picture from an arbitrary replay position in accordance with a replay speed designated by said input device (col. 11, ll. 26-34; col. 12, ll. 37-44).

As per dependent claims 20, 25, 30 and 35, Minami discloses displaying said moving picture as a background (col. 5, ll. 1-17) and displaying said image as a foreground (col. 7, ll. 25-35).

As per independent claims 21 and 31, Minami discloses when replay of said moving picture is stopped at an arbitrary replay position of said moving picture on said display (col. 9, ll. 63-67; col. 11, ll. 60-67), identifying an image inputted by said input device and position data of said input image and displaying on said display said input image in superposition with the stopped moving picture (col. 5, ll. 25-40; col. 7, ll. 52-60); storing information of said replay position of said moving picture (col. 12, ll. 7-19, 29-37); identifying information of a boundary line (i.e. dotted frame) of an area in which the

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image inputted by said input device can move and displaying said boundary line on said display (col. 10, ll. 11-30; Fig. 12 "302"); storing said information of the boundary line of an area in which said image can move (col. 10, ll. 11-30); when said moving picture is replayed from said arbitrary replay position; designating a locus of motion of said image by said input device to determine position data of said locus of motion with time based on said stored boundary line information (col. 10, ll. 34-44) and storing said position data and time data representing when said position data is determined (col. 5, ll. 41-49); and in response to replaying of said moving picture starting from said arbitrary replay position, displaying on said display said image in accordance with said stored position data of the locus of motion and said stored time data (col. 5, ll. 25-40; col. 7, ll. 52-60; Fig. 5).

As per dependent claims 22 and 32, Minami discloses modifying the position data of said locus of motion in accordance with said boundary line information (col. 10, ll. 11-44) and storing time data representing when said modified position data and said position data are identified (col. 5, ll. 41-49).

As per dependent claims 37, 39, 41 and 43, Minami discloses drawing a locus of motion of said image by the input device on the moving picture under replay on the display (col. 8, ll. 54-65; col. 9, ll. 33-39).

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As per dependent claims 38, 40, 42 and 44, Minami disclose manually drawing the locus of motion (col. 5, ll. 25-31).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minami as applied to claims 17, 21, 27 and 31 above, and further in view of Abe et al., U.S. Patent 6,144,972, 11/2000.

As per dependent claims 45-48, Minami fails to disclose the image is a still image, which Abe discloses (col. 1, ll. 45-50). It would have been obvious to one of ordinary skill in the art to include Abe's disclosure of a still image with that of Minami because Minami teaches specifying a time or frame in which a playback endpoint of an image is identified and Abe teaches use of a still image when a display range is specified.

Response to Arguments

5. Applicant's arguments filed 10/9/03 have been fully considered but they are not persuasive.

Regarding claims 17, 21, 26, 2, 31 and 36, Applicant argues (pg. 15) that Minami et al. discloses "the partial image...is...inseparable from the background image" and "the partial image produced in advance...is stored...along with its extraction position information" and thus fails to disclose drawing a locus of motion of an image using an input device.

Minami discloses selecting, via user input, a time position that uniquely specifies a spatial position of the target object that is synthesized with the background (col. 7, ll. 20-25). Minami further discloses tracing a trace line, which is representative of the manipulation of the target (object's) spatial position as it is sequentially displaced upon user input (via mouse) (col. 7, ll. 35-44). It is also disclosed that when the tracing goes off the trace line the target object's display form is modified using various expression effects. Additionally, Minami discloses interactive manipulation of the target object through use of a touch screen, which allows the user to control the image of the moving object interactively (col. 8, ll. 54-65). Therefore Minami teaches drawing a locus of motion as he discloses interactive user manipulation of the position of a target object as it is displayed upon a background image.

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Applicant argues (pp. 15) Minami does not disclose identifying g an image input using an input device.

Minami teaches obtaining a video image via a camera and recording a partial image that is within the video image (col. 5, ll. 18-30). Hence, Minami discloses identifying an image (i.e. partial image) input using an input device (i.e. camera).

Applicant argues (pp. 16) Minami does not disclose while replaying the moving picture starting from the stored replay position, displaying on the display the image in accordance with stored position data of the locus of motion and said store time data.

Minami teaches reading the background and partial images from storage and synthesizing and displaying the partial image starting from the specified manipulation target spatial position (col. 7, ll. 23-40) (i.e. replaying the picture from a stored replay position). Minami also teaches displaying the synthesized images following the trace line (i.e. locus of motion) which is a mapping of time position and the spatial position of the image (col. 6, ll. 55-65; col. 7, ll. 38-40).

Regarding claims 18-20, 22-25, 28-30, 32-35 and new claims 37-48, Examiner asserts that these claims are not patentable for reasons as indicated in the above claims rejection.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chante Harrison whose telephone number is (703) 305-3937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ch

December 2, 2003


MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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